PTO/SB/66(6-95)

Approved for use through 05/31/96. OMB 0651-0016

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF Docket No. MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c)) 254.01 Office of Petitions Asst. Commissioner for Patents Box DAC Washington, D.C. 20231 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703 Application No.: 06/718 Patent No.: 4,682, JUL 28 1997 Issue Date: July 28, 1987 Filing Date: April 2, 1985 CAUTION: Mandatory Identifiers: Maintenance fee (and surcharge, if any) payment must correctly identifier. (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S reissue application) leading to issuance of that patent. 37 C.F.R. 1.366(c) and (d). Also complete the following information, if applicable The above-identified patent: [] is a reissue of original Patent No. _____, original issue date original application number ______, original filing date _ [] resulted from the entry into the U.S. under 35 U.S.C. 371 of international application _____ _____ filed on _____. CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Office of Petitions, Asst. Commissioner for Patents, Box DAC, Washington, DC 20231. By: ___ GHINTON 00000041 4682857 1025.00 OP

Burden[Hour Statement: This form) is estimated to take 1 hour to complete. Time will vary depending upon the needs of the individual 🕅 🗗 🖟 🖟 🖟 🖟 🖟 🖟 🖟 🖟 🖟 The first state of the required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, BC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS APPORESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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1.	SMALL	ENTITY
1.	DIATUTE	TIAIT I

[] Attached herewith is a verified statement establishing small entity status.

OR

[] A verified statement establishing small entity status for this patent has been filed and it is confirmed that the current owner of this patent still qualifies for small entity status.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

NOTE: 37 CFR 1.28(b) requires "Notification of any change in loss of entitlement to small entity status must be filed in...patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to Section 1.19 of this part." From the wording of 37 CFR 1.28(a): notification of change of status (a) must be maid even if the fee is paid as "other than a small entity" and (b) no notification is required if the chance is to another small entity. See also 37 CFR 1.366(f).

[x] The status of this patent has changed from that of small entity to other than that of a small entity.

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity				Small Entity			
Amount	Fee	(Code)		Amount	Fee	(Code)	
[]\$	3½ yr fee	(183)	[]	\$	3½ yr fee	(283)	
[x] \$2,050.00	7½ yr fee	(184)	[]	\$	7½ yr fee	(284)	
[]\$	11½ yr fee	(185)	111	\$	11½ yr fee	(285)	

snall Entity

MAINTENANCE FEE BEING SUBMITTED \$1,025.00*

* On March 29, 1995, Patentee submitted the 7½ year small entity maintenance fee and is submitting herewith the difference between the Small Entity fee and the Not Small Entity fee according to the current fee schedule.

SURCHARGE

The surcharge required by 37 C.F.R. 1.20(i)(2) of \$1,600.00 (Fee Code 188) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$1,600.00

MANNER OF PAYMENT

- [x] Enclosed is a check for the sum of \$2,625.00
- [] Please charge Deposit Account No. _____ the sum of \$_____. A duplicate copy of this authorization is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

[x] The Commissioner is hereby authorized to charge any maintenance fee, surcharge or petition fee deficiency to Deposit Account No. 04/0822. A duplicate copy of this authorization is attached.;

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7.	OVERPAYMENT					
		As to any overpayment made please				
		[x]	Credit to Deposit Account No. 04/0822.			
		OR				
		[]	Send refund check.			
8.	STATEM	MENT				
	The dela	y in paym	ent of the complete 7½ yr maintenance fee in this patent was unintentional.			
9.	PETITIONER(S) REQUESTS THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.					
	July 25, 1997					
	D	Signature(s) of Petitioner(s)				
	(415) 70 Telephor	<u>15-6377</u> ne Number	Todd A. Noah, Reg. No. 35.626 Typed or printed name			
			DERGOSITS & NOAH LLP			
			Four Embarcadero Ctr., Ste. 1150			
			San Francisco, CA 94111			
ENCLO	SURES:					
	[x]	Mainten	ance Fee payment			
	[]	Small Entity Status Form				
	[x]	Surcharge				
	[]					
	NOTE:	37 C.F.R. 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest. Such petition must be in the form of a verified statement if made by a person not registered to practice before the Patent and Trademark Office." Accordingly, the following declaration must be signed by any and all persons not registered to practice before the Patent and Trademark Office and presenting statements concerning the cause of delay.				
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